

HOUSE BILL 1201  
By Winningham

AN ACT to amend Tennessee Code Annotated, Title 49, relative to  
education programs, services, personnel, and students.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 34, is amended by  
adding the following new section:

49-6-3404.

(a) In addition to the alternative schools provided for in §§ 49-6-3402 and 49-6-3403, each local education agency may enter into a joint memorandum of understanding with the juvenile court serving that area which:

(1) Outlines the responsibilities of the juvenile court and the participating school system concerning that school system's establishment and operation of a juvenile justice alternative education program under this section;

(2) Identifies those categories of conduct that the local education agency defined in its student code of conduct as constituting serious or persistent

misbehavior for which a student may be placed in the juvenile alternative education program;

(3) Outlines the methods of dealing with continued misbehavior, including but not limited to, student-teacher conferences, student-director conferences, parent conferences, corporal punishment, internal suspension of privileges, and a return to court for review of appropriate alternative actions directed at changing behaviors and attitudes;

(4) Compensates the juvenile court for services and expenses directly related to the court's interventions;

(5) Identifies rules for a strict and rewarding school environment in addition to dress codes and such other topics as the local juvenile court and the school system deem appropriate including specialized counseling, family intervention services or psychiatric services;

(6) Identifies and requires a timely placement and specifies a term of placement for students expelled from the regular school program;

(7) Establishes services for transitioning students back to the regular school program after successful completion of the juvenile justice alternative education program;

(8) Establishes a plan that provides for transportation services for students attending the juvenile justice alternative education program;

(9) Establishes the circumstances and conditions under which a juvenile may be allowed to remain in the juvenile justice alternative education program, including a determination of a substantial risk to the safety of other students in a less controlled environment and a determination that the best chance of success is completion and graduation from the juvenile justice alternative education program;

(10) Establishes the continuation of proper special education services required by law; and

(11) Provides for any other conditions or requirements deemed necessary by the court and the local education agency.

(b) It is intended by this section that students served in this program will fall in the general behavior categories of: documented destructive or violent peer relationships; poor academic success due to a refusal to complete assignments, disruptive behaviors or excessive absenteeism; demonstrated problems with traditional school structures, rules and authority; and, students returning from residential programs established by the court system. A personalized instructional program (PIP) shall be developed and implemented for each student with consideration given to the social and behavioral needs of the student. One emphasis of the program shall be the involvement of parents in helping students develop respect for authority, self and others. It shall be a goal of each program to develop positive self-concepts, positive school images, and positive behaviors that will maximize the opportunities for a safe and enjoyable school environment.

(c) As this is a public school program, all credits earned by a student while in a juvenile justice alternative education program shall be considered as credit earned from the school system. Students shall be subject to the same proficiency and standardized tests administered elsewhere in the school system. The juvenile court or the court's designee, with the parent or legal guardian of each student, shall have the power to review the student's academic progress. If progress is not being made toward graduation or advancement from grade-to-grade, the juvenile court and the local education agency may modify the personalized instructional program to meet the needs of the student. All students of high school age shall have a specific graduation plan established including a target date for graduation.

(d) Academically, the mission of the juvenile justice alternative education programs shall be to develop good study habits and responsible behaviors that will provide for a more productive school learning experience and the possibility of graduation. It should always be one goal of the program to return the student as quickly as possible to the regular school environment.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 34, is amended by adding the following new section:

49-6-3405. Each local education agency shall submit annually, or as often as the commissioner may direct, information on all children placed in an alternative education program. Notwithstanding the provisions of §§ 49-6-3402 and 49-6-3403, all local education agencies shall establish within the local system alternative school programs for grades seven (7) through twelve (12) not later than the 2003-2004 school year. The local alternative education programs required by this section shall be designed to function as short-term intervention programs seeking the development of academic and behavioral skills. All such schools shall comply with state board of education rules and regulations. The commissioner shall require such information as may be necessary to assure that alternative school placements and policies do not discriminate against minorities or disabled students. The commissioner shall encourage the establishment of juvenile justice alternative education programs as set out in Section 49-6-3404. The state board of education shall adopt rules for the distribution of funds appropriated under this section to assure the quality and availability of specialized counseling, family intervention programs, psychiatric services and other services that the state board of education determines are necessary to the success of alternative education programs.

SECTION 3. If any provision of this act or the application thereof to any

person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. For the purpose of developing and promulgating any necessary rules or regulations, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2003, the public welfare requiring it.